



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

JAN 21 2016

OFFICE OF  
AIR, WASTE, AND TOXICS

Ms. Sheila Smith  
Emerald Services, Inc.  
7343 East Marginal Way South  
Seattle, Washington 98018

Re: Environmental Covenant for Parcel 7666202855 owned by Western Blower and Related to the Former Northwest Enviroservice Facility; EPA ID No. WAD 05836 7152

Dear Ms. Smith:

Stephan K. Malshuk, General Counsel for Emerald Services, Inc., provided the EPA with copies of multiple covenants recorded with King County in an email dated October 6, 2015. The covenants are related to completion of corrective action at the former Northwest Enviroservice (NWES) Facility. This work was completed under Administrative Order on Consent (AOC) under the Resource Conservation and Recovery Act, U.S. EPA, Region 10, Docket No. 1093-02-09-3008(h).

The EPA has become aware of land use potentially inconsistent with the covenant for parcel 7666202855. Please let me know if any actions will be taken to resolve any land use inconsistent with the current environmental covenant. Below is further information and background.

I was contacted by Linda Kruger, Director of Operations for Evergreen Treatment Services, regarding the status of the NWES cleanup. ETS has a medical office in the southern half of parcel 7666202855, the parcel owned by Western Blower. A small piece of the northern part of parcel 7666202855 extends into the tank farm area that is part of the NWES corrective action area covered by the EPA's selected remedy.

After review of closure sample results for the Western Blower parcel, the Washington State Department of Ecology determined that no further action under RCRA would be required for the Western Blower portion of NWES so long as certain conditions were met including a restrictive environmental covenant. Please see the enclosed January 30, 1997 letter from Ecology regarding the Western Blower property. It appears that the closure samples collected at Western Blower were located north of the Administration building. Enclosed are the closure sampling results and a figure with the approximate locations of the samples. Also enclosed is a table of current MTCA soil cleanup levels.

The Western Blower covenant used the same covenant language developed for the other NWES parcels subject to the EPA's remedy selection. The covenant language (Section 1.1) restricts use to traditional industrial use, as described in Revised Code of Washington 70.105D.020(17). Here is a link to RCW 70105D.020:

<http://app.leg.wa.gov/rcw/default.aspx?cite=70.105D.020>

Here is the definition:

(17) "Industrial properties" means properties that are or have been characterized by, or are to be committed to, traditional industrial uses such as processing or manufacturing of materials, marine terminal and transportation areas and facilities, fabrication, assembly, treatment, or distribution of manufactured products, or storage of bulk materials, that are either:

(a) Zoned for industrial use by a city or county conducting land use planning under chapter 36.70A RCW; or

(b) For counties not planning under chapter 36.70A RCW and the cities within them, zoned for industrial use and adjacent to properties currently used or designated for industrial purposes.

Medical office use appears to be inconsistent with the use restriction in the recently recorded covenant. Presuming Western Blower will continue to allow the ETS medical office use, one option would be to divide the Western Blower parcel into two parcels such that only the northern portion (inclusive of the area sampled north of the Administration Building) continues to be covered by the restrictive covenant.

Another option would be that Emerald Services, Western Blower or ETS samples and demonstrates that A11 and A12 sampling areas, especially A11-S001 and A12-C002, are clean and meet the Model Toxics Control Act unrestricted use cleanup levels. New sampling would require use of updated Total Petroleum Hydrocarbon analyses as the old method used in 1996 does not distinguish between gasoline and diesel/motor oil TPH which have very different MTCA cleanup criteria. In the event new sampling shows contaminants below MTCA unrestricted use criteria, the EPA would not require a covenant for the very small northern portion of parcel 7666202855 that extends into the southwest edge of the tank farm. Samples collected during the RCRA Facility Investigation used as the basis for the Corrective Measures Study and the EPA's remedy selection were not located in this small area of the former NWES Facility.

Please let me know if this issue should be addressed to someone other than yourself. I can be contacted at (206) 553-4323 or at [castrilli.laura@epa.gov](mailto:castrilli.laura@epa.gov). Questions to legal counsel should be directed to Elizabeth McKenna at (206) 553-0016 or at [mckenna.elizabeth@epa.gov](mailto:mckenna.elizabeth@epa.gov).

Sincerely,



Laura Castrilli  
Office of Air, Waste, and Toxics

Enclosures

cc: Mr. Byung Maeng  
Washington State Department of Ecology

Mr. Steven K. Malshuk  
Emerald Services, Inc.

Roberta Baker  
City of Seattle Department of Planning & Development





STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

Northwest Regional Office, 3190 - 160th Ave S.E. • Bellevue, Washington 98008-5452 • (206) 649-7000

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JAN 31 1996

"RCRA/TSCA"  
"Permits Team"

WA 7152

176

1/30/97

January 30, 1997

**CERTIFIED MAIL**

**P 115 514 013**

Mr. John S. Banchemo  
President  
Northwest EnviroService, Inc.  
54 Dawson Street  
Seattle, Wa 98134

Dear Mr. Banchemo:

Re: Review of soil and concrete data, dated August 5, 1996 for the Northwest EnviroService, Inc., Western Blower Property Area, Seattle, Washington.  
WAD058367152

Based upon the review of the report submitted on August 5, 1996 of the sampling results for the Western Blower Property of Northwest EnviroService, Ecology understands the following:

1. This area of the property does not have a RCRA regulated storage unit, therefore RCRA clean closure is not a requirement. But, the Western Blower Property area is considered a solid waste management unit (SWMU) under RCRA for the NWES facility and is subject to RCRA corrective action.
2. RCRA financial assurance for closure would not be required for this area.
3. On the Western Blower Property there are soils and concrete on site that exceed the MTCA Method A or B cleanup levels as established in Chapter 173-340 WAC. These constituents are TPH, Arsenic, Beryllium, Cadmium, Lead, and Benzo(a)pyrene. Assuming that the site is zoned as industrial use only, the

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existing concentrations of contaminants in the soil and concrete would not require additional removal actions or decontamination as long as specific institutional controls are undertaken.

[NOTE: RCRA Clean Closure as defined in WAC 173-303-610(2)(b) states the use of MTCA Method A and B cleanup levels as clean closure standards.]

4. The direction of groundwater flow is still undetermined for this portion of the TSDF.

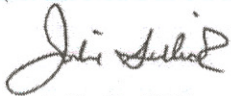
Based on the review of this information, Ecology has determined that no further action is required under RCRA only for the Western Blower portion of Northwest EnviroService with the following conditions:

1. If any subsurface contamination (in either soils or groundwater) is found, additional investigations will be addressed through MTCA.
2. Because contamination in excess of MTCA Method A and B cleanup standards remains on the property, a restrictive covenant recorded with the property deed at the office of the King County Clerk must be filed. The restrictive covenant recorded on the property deed must include a notice that there are constituents (Arsenic, Beryllium, Lead, Cadmium, TPH, Benzo(a)pyrene) that exceed MTCA Method A or B cleanup levels in the soils. NWES shall submit to Ecology within 90 days of the date of this letter a copy of the notice to the deed for the property that complies with the requirements of WAC 173-340.
3. If this portion of the property is ever sold, NWES shall within 30 days of the sale of the property:
  - a) submit changes to the facility's Part A form and;
  - b) notify Ecology's Toxics Cleanup Program's Site Management Information System's (SMIS) List of the new site name. The Ecology contact in the Northwest Regional Office is Louise Bardy at (206) 649-7209.
4. If concrete is ever removed from this site, designation and handling as necessary per WAC 173-303 would be required.

Mr. John S. Banchero  
January 30, 1997  
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If you have any questions, please call Sally Safioles at (206) 649-7026 or Christy Brown at EPA at (206) 553-8506.

Sincerely,

A handwritten signature in dark ink, appearing to read "Julie Sellick". The signature is fluid and cursive, with the first name "Julie" being more prominent than the last name "Sellick".

Julie Sellick  
Section Supervisor, NWRO  
HWTR Program

cc: Christy Brown, EPA  
Hideo Fujita, Ecology-NWRO  
Sally Safioles, Ecology-NWRO  
Carolyn Kossik, CH2M Hill





**Table 1**  
**Western Blower Sampling Results - MTCA Method B Soil CULs Exceedance**

Sample ID	Chemical Group	Parameter	MTCA Method B Soil Cleanup Level (mg/kg)	NWES Sample Concentration (mg/kg)	Lab Qualifier
A11-S001	Inorganics	ARSENIC	1.667	7.800	
A11-S001	Inorganics	LEAD	250	315	N*J
A11-S001	Semivolatiles	BENZO(a)PYRENE	0.137	0.33	J
A11-S001	TPH	TPH	200*	580	
A11-S002	Inorganics	ARSENIC	1.667	5.3	
A11-S-002	Inorganics	BERYLLIUM	0.233	0.27	B
A12-C-001	Inorganics	ARSENIC	1.667	7	B
A12-C-001	Inorganics	BERYLLIUM	0.233	0.28	B
A12-C-001	TPH	TPH	200	410	J
A12-C-002	Inorganics	ARSENIC	1.667	6.2	BJ
A12-C-002	Inorganics	BERYLLIUM	0.233	0.31	BJ
A12-C-002	Inorganics	CADMIUM	80	200	J
A12-C-002	TPH	TPH	200	1100	J
A12-C-003	Inorganics	ARSENIC	1.667	15.3	
A12-C-003	Inorganics	BERYLLIUM	0.233	0.26	B
A12-C-003	TPH	TPH	200	550	
A12-S-001	Inorganics	ARSENIC	1.667	6	
A12-S-001	Semivolatiles	BENZO(A)PYRENE	0.137	0.15	J
A12-S-002	Inorganics	ARSENIC	1.667	4.7	J
A12-S-002	TPH	TPH	200	350	J

\*Value listed is for MTCA Method A CUL for Diesel.

### Organic Compounds

**Benzo(a)pyrene.** Two soil samples exceeded the MTCA Method B soil CUL level of 0.137 mg/kg for benzo(a)pyrene: A11-S-001 (0.33 mg/kg) and A12-S-001 (0.15 mg/kg). Both sample concentrations were flagged as estimates by the analytical laboratory because the concentrations were below the analytical reporting limit (see Table B-1 in Appendix B).

Benzo(a)pyrene, a polynuclear aromatic hydrocarbon (PAH) compound, is not associated with past facility treatment operations. Further, there are no recorded spills or releases which would account for its presence at the facility. Consequently, the presence of PAHs is believed to be due to background sources. Benzo(a)pyrene, along with several other PAH compounds have been detected throughout the Puget Sound Region. The presence of PAH compounds in the soil sampled at NWES may be attributable to past industrial activities in the Puget Sound Region or be naturally occurring. The industrial activities include coal shipping or air pollution from coal combustion which was not uncommon in the Puget

Chemical Name	CAS #	Soil	Soil	Soil	Soil	Soil
		Method A Unrestricted Land Use	Method B Non cancer	Method B Cancer	Method C Non cancer	Method C Cancer
		(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)
arsenic, inorganic	7440-38-2	2.00E+01	2.40E+01	6.67E-01	1.05E+03	8.75E+01
benzo[a]pyrene	50-32-8	1.00E-01		1.37E-01		1.80E+01
beryllium	7440-41-7		1.60E+02		7.00E+03	
cadmium (soil and nonpotable surface water)	7440-43-9a	2.00E+00	8.00E+01		3.50E+03	
lead	7439-92-1	2.50E+02				
tph, diesel range organics	unavailable09	2.00E+03				
tph, heavy oils	unavailable10	2.00E+03				
tph, mineral oil	unavailable11	4.00E+03				
tph: gasoline range organics, no detectable benzene	unavailable08	1.00E+02				

The above MTCA criteria were pulled from an Excel downloaded from the CLARC Master Data Table on 1/13/2016. Some values have changed since Western Blower Closure results were reported in 1996. According to the Western Blower closure sampling results, benzene was not detected in the samples.

<https://fortress.wa.gov/ecy/clarc/CLARCDATATables.aspx#>

Note: Puget Sound Natural Background for arsenic and lead in soil are 7.3 mg/Kg and 16.83 mg/Kg, respectively.